

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Douglas Michael Edling,

Civil No. 10-4928 (RHK/JSM)

Petitioner,

ORDER

v.

Jessica Symmes, Warden,

Respondent.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated January 5, 2011. No objections have been filed to that Report and Recommendation in the time period permitted.

Upon all the files, records and proceedings herein, IT IS ORDERED:

1. The Report and Recommendation (Doc. No. 4) is **ADOPTED**;
2. Petitioner's application for a writ of habeas corpus (Doc. No. 1) is **DENIED**;
3. Petitioner's application for leave to proceed in forma pauperis (Doc. No. 2) is **DENIED**;
4. This action is **DISMISSED WITH PREJUDICE**; and
5. Petitioner is NOT granted a Certificate of Appealability.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 2, 2011

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge